

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12468 of 2015

ORDER:

This writ petition is filed with the following prayer:

“..... to issue a writ, order or direction(s) more particularly one in the nature of writ of mandamus:

(a) to hold the bread winner scheme as bad, illegal and unconstitutional to the extent of confining the posts to be considered for spouses/family members for the post of conductors, drivers and shramiks and not permitting them to be accommodated in any of the clerical posts which is equivalent to or lower than the post of conductor etc., as bad, illegal, arbitrary and unconstitutional;

(b) to hold the fixation of height restriction for the post of conductor as bad, illegal, unconstitutional;

(c) to hold giving relaxation of only 2 cms. for the post of conductor under bread winner scheme as bad, illegal and unconstitutional;

(d) consequently direct the respondents to provide employment to the petitioner as conductor or in alternative to any of the clerical posts for which she is eligible such as announcer, record tracer, routine clerk etc., with effect from the date of her co-applicants under the said scheme were appointed with all consequential benefits.”

(re-produced verbatim)

2. Heard Sri J. Sudheer, learned counsel for the petitioner, and Sri B. Mayur Reddy, learned standing counsel for APSRTC, appearing for the respondents.

3. It has been contended by the petitioner that her husband was working as a conductor in the respondent corporation and while discharging duties, he expired on 03.05.2011. Thereafter, she submitted an application to the respondent corporation within the

prescribed time seeking employment under Bread Winner Scheme. The respondent corporation rejected the said application vide orders dated 16.03.2015 on the ground that the height of the petitioner is 147 cms. as against the actual prescribed height of 153 cms., and though relaxation of 2 cms. is given in the case of the petitioner as per the existing regulations, she is not meeting the physical requirements and as such it is not appropriate to consider the case of the petitioner under the Bread Winner Scheme. Challenging the same, the present writ petition is filed.

4. Learned standing counsel for the respondent corporation has contended that during pendency of the writ petition, the respondent corporation had reviewed the Bread Winner Scheme vide Circular No.PD-17/2017 dated 27.07.2017 and gave relaxation to certain guidelines and the amended guidelines are being followed. Learned standing counsel has drawn the attention of the Court to amendment No.4 of the said Circular, which deals with height relaxation for the post of conductor.

5. As per amended guideline No.4 of the Circular No.PD-17/2017 dated 27.07.2017, the cases of female dependants, who measure above 147 cms. of height, can be considered by the selection committee for the post of conductor-II. Since there was a review of the Bread Winner Scheme vide Circular dated 27.07.2017 and the petitioner is 147 cms. in height, this Court is of the considered view that the writ petition can be disposed of with a direction to the respondent

corporation to consider the case of the petitioner and pass orders duly taking into account the Circular dated 27.07.2017.

6. Accordingly, the writ petition is disposed of, directing the respondent corporation to consider the case of the petitioner for appointment to the post of conductor and pass orders, by duly taking into account the circular No.PD-17/2017 dated 27.07.2017, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that the language used at amended guideline No.4 of the said Circular should be understood as the female candidates having height of 147 cms. are entitled for appointment under the Bread Winner Scheme and based upon such interpretation, the respondent corporation shall consider the case of the petitioner and pass orders.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

25th April, 2018

Note: Issue C.C. in two days.

(b/o)
cbs

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WRIT PETITION No. 12468 of 2015
(disposed of)

25th April, 2018

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